



## **NATIONAL INTEREST WAIVER GUIDELINES AND PROCEDURES**

**Purpose:** The Florida Department of Health (DOH) State Primary Care Office (PCO) administers Florida's visa waiver programs. Our goal is to improve access to primary health care services and to address health disparities within federally designated Health Professional Shortage Areas (HPSAs) and Medically Underserved Areas/Populations (MUAs/MUPs).

### **Guidelines:**

- A physician must practice clinical medicine full time (no less than 40 hours per week) in a designated primary care or mental health HPSA or MUA/P for the required five (5) year obligation period, which commences within 90 days from the date the waiver is approved by the U.S. Bureau of Citizenship and Immigration Services. Service towards a J-1 Visa Waiver, a HHS Waiver, or under H-1B Visa status will count towards the five year NIW obligation.
- The facility, upon recommendation of waiver application, must: accept Medicaid/Medicare clients, employ a discounted/sliding fee schedule for low-income clients, and post a notice in a conspicuous place in the waiting area that all clients will be seen regardless of their ability to pay.
- A transfer from one site to another is not permitted without prior written approval by DOH.
- Sites receiving waiver approval must agree to report to DOH on the status of their physician's activities annually during the five year waiver service period using the Florida Visa Waiver Physician Practice Status Report.
- Any violations of policy, including failure to provide status reports in a timely and accurate manner, or failure to demonstrate good faith in utilizing a physician's services in accordance with these policies will jeopardize future eligibility for placements and will cause for reporting to federal authorities or the Florida Board of Medicine. This referral could ultimately lead to invocation of remedies such as a reprimand, fine, revocation of the medical license, or deportation proceedings against the physician.
- Applicants will be notified directly from the USDOS/USCIS of their approval or denial. DOH recommendation does not guarantee approval from the USDOS or the Bureau of Citizenship and Immigration Services. Notification of waiver status and commencement of employment must be submitted to DOH upon receipt of written notification of approval from the U.S. Bureau of Citizenship and Immigration Services. This notification, which may be a signed letter from the employer, must include the date the five year obligation commences.

### **Monitoring and Reporting:**

The physician and employer shall complete the Florida Visa Waiver Physician Practice Status Report by June 30 of each year. This form will allow DOH to monitor the status of the physician and information about the practice sites. DOH or its representative may also conduct periodic monitoring through telephone calls or site visits to ensure compliance with federal and state policies and procedures. Violation of any of the agreed upon conditions by the employer may result in denial of future requests for visa waivers. Violation of any of the agreed upon conditions by the physician may result in referral of the physician to the appropriate office.

The physician and employer shall, upon reasonable notice and during normal business hours, grant DOH representatives, who shall maintain full confidentiality and comply with HIPAA regulations, reasonable access to all records maintained by the physicians' practice, which are pertinent to ascertaining compliance with these guidelines. DOH representatives may also perform audits for compliance of these guidelines.

Other providers of indigent care in the county or community may be notified of the physician placement. The physician's name and practice location may be posted on the State Primary Care Office website as a provider of primary health care that accepts Medicare, Medicaid and utilizes a discounted/sliding fee schedule for the uninsured population.

Contract changes which result in termination of employment, change in practice scope, or relocation from a site approved in the application request to a new site must be presented in writing to DOH prior to the change.

**Application Procedure and Checklist:**

- 1) Completed National Interest Waiver Application with the completed Affidavit and Agreement Form
- 2) Cover Letter from the employer that includes: a statement indicating a desire to hire the physician, the facility serves Medicaid/Medicare clients and employs a discounted/sliding fee schedule for low income patients, and the physician will provide clinical medicine full time (no less than 40 hours per week); a description of the geographic area served by the facility; and an intent to uphold all DOH program policies and procedures
- 3) Evidence of shortage designation status (copy of the HRSA "[Find Shortage Areas: HPSA & MUA/P by Address](#)" query result)
- 4) Personal Statement from physician stating: reasons for not wishing to fulfill the two-year home country residence requirement to which the applicant agreed at the time of acceptance of exchange visitor status; and reasons it is in the national interest for the physician to work permanently in the United States
- 5) Copy of the physician's valid Florida medical license (if applicable)
- 6) Curriculum Vitae of the physician